



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 11 जून, 2007/21 ज्येष्ठ, 1929

हिमाचल प्रदेश सरकार

श्रम एवं रोजगार विभाग

अधिसूचना

शिमला-2, 5 जून, 2007

संख्या श्रम (ए)4-2/96.—हिमाचल प्रदेश के राज्यपाल, अन्तरराज्यिक प्रवासी कर्मचारी (नियोजन का विनियमन और सेवा शर्तें) अधिनियम, 1979 की धारा 35 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, हिमाचल प्रदेश सरकार श्रम एवं रोजगार विभाग की अधिसूचना संमसंख्यक दिनांक 9-4-2007 द्वारा अधिसूचित तथा दिनांक 14-4-2007 के राजपत्र, हिमाचल प्रदेश (असाधारण) में प्रकाशित हिमाचल प्रदेश अन्तरराज्यिक प्रवासी कर्मचारी (नियोजन का विनियमन और सेवा शर्तें) संशोधन नियम, 1983 में संशोधन करने के लिए निम्नलिखित नियम बनाते हैं और जिनका एतद्वारा जनसाधारण से प्राप्त आक्षेप या सुझाव आमन्त्रित करने के लिए राजपत्र, हिमाचल प्रदेश (असाधारण) में प्रकाशन किया गया था;

इन नियमों से सम्भाव्य प्रभावित होने वाला कोई भी व्यक्ति यदि इन नियमों के सम्बन्ध में कोई आक्षेप करना या सुझाव देना चाहे, तो वह उन्हें उक्त प्रारूप नियमों के राजपत्र, हिमाचल प्रदेश में प्रकाशन की तारीख से 30 दिन के भीतर सचिव (श्रम एवं रोजगार) को भेजा जाना था ।

अतः जनसाधारण से कोई भी सुझाव प्राप्त नहीं हुए हैं ।

अतः राज्यपाल, हिमाचल प्रदेश, अन्तरराज्यिक प्रवासी कर्मचारी (नियोजन का विनियमन और सेवा शर्तें) अधिनियम, 1979 की धारा 35 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, निम्न नियमों को बनाने के सहर्ष आदेश देते हैं ।

यह संशोधित नियम तुरन्त प्रभाव से लागू होंगे ।

नियम

1. संक्षिप्त नाम.—इन नियमों का संक्षिप्त नाम अन्तरराज्यिक प्रवासी कर्मचारी (नियोजन का विनियमन और सेवा शर्तें) संशोधन नियम, 2007 है ।

2. नियम 23 का संशोधन.—हिमाचल प्रदेश अन्तरराज्यिक प्रवासी कर्मचारी (नियोजन का विनियमन और सेवा शर्तें) रूलज, 1983 (जिन्हें इसमें इसके पश्चात् उक्त नियम कहा गया है) की धारा 23 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

"23 (1)" Every Contractor shall issue Pass-Book / Identity Cards as referred to in clause (b) of sub-section (1) of section 12 of the Act in Form-XXV within three days from the date of employment of Inter-State Migrant Workman. The Contractor shall submit the same to the office of the area Labour Officer for attestation and the Labour Officer shall return the same after attestation to the Contractor within a period of seven days for further distribution to the concerned workmen.

(2) In case of fatal accident or serious bodily injury to any migrant workman, the contractor shall immediately send telegram to the specified authorities of both the States and also the next of the kins of the migrant workman intimating death or the nature of serious bodily injury sustained by the migrant workman, as the case may be, date, place and nature of accident. The contractor, shall further send written report to the specified authorities concerned and the next of kins of the migrant workman, under mentioned particulars, by registered post within 24 hours of the occurrence of the accident:—

(i) Name of the migrant workman;

- (ii) Date, place and nature of accident;
 - (iii) Condition of the migrant **workman** (if alive);
 - (iv) Action taken by the contractor/principal employer; and
 - (v) Remarks.
- (3) If the contractor fails to send the telegraphic intimation and written report as required under sub-rule (2), in that event the principal employer shall comply with the requirements of sub-rule (2) as early as possible but in any case not later than 48 hours of the time of occurrence of the accident.
 - (4) The Contractor shall bear the cost of pass book to be issued to the Migrant Workmen in Form XXV.
 - (5) The pass book/identity card shall be valid for a period of one year from the date of issue or the date of expiry of licence or the date of termination of employment of the migrant workmen by the contractor, which ever is earlier.
 - (6) The Contractor shall submit new Form XXV, not less than 30 days before the date on which ~~Pass-Book/Identity Cards~~ expires to the area Labour Officer for attestation for further period of one year. The Labour Officer shall return the same ~~duly attested~~ within a period of seven days from the date of receipt of the same to the contractor for further distribution to the migrant **workmen** :

Provided that when is ~~employment~~ identity card issued under Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Himachal Pradesh Rules, 1983, the Contractor shall not be required to issue Identity Cards under the Himachal Pradesh Minimum Wages Himachal Pradesh Rules, 1978 and Industrial Employment (Standing Orders) Himachal Pradesh Rules, 1973 or any other similar provisions of other rules under the Labour Laws, as the case may be.

3. नियम 49 का प्रतिस्थापन. - उक्त नियमों के नियम 49 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

"49. Register of Persons employed:—

- (1) Every Contractor shall maintain in respect of each registered establishment where he employs contract labour a register in Form XIII and he shall submit a copy of the same and its index Form- XIII-A to the concerned Licensing/Registering Officer (Labour Officer) within fifteen days from the issue of the license to the contractor."
- (2) The Pass Book/Identity Cards shall be maintained upto date and any change in it and corresponding Form XIII including addition, deletion and alteration shall be intimated to the concerned Licensing/Registering Officer (Labour Officer) within a period of seven days from such changes by the Contractor and shall be attested by the concerned Labour Officer.

4. फार्म xiii का प्रतिस्थापन.—इन नियमों से संलग्न फार्म xiii के निम्नलिखित रखा जायेगा, अर्थात् :—

FORM-XIII

[See Rule-75]

Register of Workmen

Sl. No.

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(last 4 digits of Identity Card No.)

1. Name & Address of the Establishment:.....

.....Tel. No.....

2. Registration /License No.*.....

3. Contractor Name

4. Contractor License No.

5. Contractor address :

.....

6. Serial Number of the Worker in the Register of Workers** :

Affix Latest
photograph of
employee to be
attested by the
employer

7. Worker/Employee Name :
8. Father/Husband's Name :
9. Date of Birth [DD/MM/YYYY] :
10. Sex (M/F) :
11. Local Residential address of the Worker :
State :
12. Permanent address of the worker :
.....State.....
13. Name of next Kin of the worker :Relationship :
14. Date of Employment :(In the Current Job).....
15. Wage Rate per month :
16. Nature of Job/Designation :Code (#) :
17. Intended Time Limit in Present Employment :

Signature /Thumb Impression of the Employee.

• **Declaration.**—It is declared that the information given in the Register of Workmen is correct as per record and factual position.

Place.....

Date.....

Signature of Employer/ Contractor.

5. फार्म XIII-ए का अन्तस्थापन.—उक्त नियमों से संलग्न फार्म XIII के पश्चात् निम्नलिखित अन्तःस्थापित किया जायेगा, अर्थात् :—

“FORM-XIII-A”

[See Rule-75]

Index of Identity Cards of Workman

1. Serial No. of Form XIII (same as last 4 digits of Identity Card No.).....
2. Name of the workman.....
3. Father's name of the Workman.....

4. Date of issue of Identity Card.....
5. Date of termination of employment along with reasons.....
6. Remarks.....

Declaration.—It is declared that the information given in above Index are correct as per record and factual position.

"Signature of the Employer/Contractor"

6. फार्म **xiv** का जोड़ा जाना.—उक्त नियमों से संलग्न फार्म **xiv** के पश्चात् स्थान पर निम्नलिखित जोड़ा जायेगा, अर्थात् :—

"FORM-XIV"

[See Rule -76]

Employment/Identity Card

Name of Establishment:.....

ID Card No:.....

Name:.....

Date of Birth:.....

Father's/Husband Name:.....

Local Address:.....

Name of Next Kin:.....

Permanent Address:.....

Contractor Name:.....

Signature of Worker:.....

Licence No. if any:.....

Address:.....

Nature of Employment:.....

Date of Employment:.....

Wage rate:.....

Valid upto:.....

Photograph of
worker

Issued by	Attested by
Employer/Contractor Signature	Labour Officer/Inspector
Date of Issue:.....	Place:.....

आदेश द्वारा,
हस्ताक्षरित /—
सचिव ।

[Authoritative English Text of this Department Notification No. Shram-(A)-4(2)96, dated the 5th June, 2007 as required under clause (3) of Article 348 of the Constitution of India].

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 5th June, 2007

No. Shram(A) 4-2/96.—Whereas the draft notification of the Himachal Pradesh Inter State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979 was published as required under section 35 of aforesaid Act in the Rajpatra Himachal Pradesh (Extra Ordinary) on 14-4-2007 *vide* notification of even number dated 9-4-2007 for inviting the objections & suggestions from the persons likely to be affected thereby before the expiry of 30 days from the date of the publication of the notification in the Rajpatra Himachal Pradesh (Extra Ordinary);

And whereas no objections/suggestions were received from the general public. Now, therefore, in exercise of the powers conferred by section 35 of aforesaid Act, the Governor of Himachal Pradesh is pleased, to make the following rules, namely:—

This amendment in the rules shall be applicable with immediate effect.

Rules

1. Short title.—These rules may be called the Himachal Pradesh Inter State Migrant Workmen (Regulation of Employment and Conditions of Services) Amendment Rules, 2007.

2. Substitution of rule 23.—For rule 23 of the Himachal Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1983(hereinafter referred to as the said rules), the following shall be substituted, namely:—

"23 (1)" Every Contractor shall issue Pass-Book/Identity Cards as referred to in clause (b) of sub-section (1) of section 12 of the Act in Form-XXV within three days from the date of employment of Inter-State Migrant Workman. The Contractor shall submit the same to the office of the area Labour Officer for attestation and the Labour Officer shall return the same after attestation to the Contractor within a period of seven days for further distribution to the concerned workmen.

- 2) In case of fatal accident or serious bodily injury to any migrant workman, the contractor shall immediately send telegram to the specified authorities of both the states and also the next of the kins of the migrant workman intimating death or the nature of serious bodily injury sustained by the migrant workman, as the case may be, date, place and nature of accident. The contractor, shall further send written report to the specified authorities concerned and the next of kins of the migrant workman, under mentioned particulars, by registered post within 24 hours of the occurrence of the accident:—

(i) Name of the migrant workman;

(ii) Date, place and nature of accident;

(iii) Condition of the migrant workman (if alive);

(iv) Action taken by the contractor/principal employer; and

(v) Remarks.

- (3) If the contractor fails to send the telegraphic intimation and written report as required under sub-rule (2), in that event the principal employer shall comply with the requirements of sub-rule (2) as early as possible but in any case not later than 48 hours of the time of occurrence of the accident.
- (4) The Contractor shall bear the cost of pass book to be issued to the Migrant Workmen in Form XXV.

- (5) The pass book/identity card shall be valid for a period of one year from the date of issue or the date of expiry of licence or the date of termination of employment of the migrant workmen by the contractor, which ever is earlier.
- (6) The Contractor shall submit new Form XXV, not less than 30 days before the date on which Pass-Book/Identity Cards expires to the area Labour Officer for attestation for further period of one year. The Labour Officer shall return the same duly attested within a period of seven days from the date of receipt of the same to the contractor for further distribution to the migrant workmen :

Provided that when an employment / identity card is issued under Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Himachal Pradesh Rules, 1983, the Contractor shall not be required to issue Identity Cards under the Himachal Pradesh Minimum Wages Himachal Pradesh Rules, 1978 and Industrial Employment (Standing Orders) Himachal Pradesh Rules, 1973 or any other similar provisions of other rules under the Labour Laws, as the case may be.

3. *Substitute of rule 49.*— For rule 49 of the 'said rules', the following shall be substituted namely;

"49. Register of Persons employed:—

- (1) Every Contractor shall maintain in respect of each registered establishment where the employee contract labour a register in Form XIII and he shall submit a copy of the same and its index Form- XIII-A to the concerned Licensing/Registering Officer (Labour Officer) within fifteen days from the issue of the license to the Contractor."
- (2) The Pass Book/Identity Cards shall be maintained upto date and any change in it and corresponding Form XIII including addition, deletion and alteration shall be intimated to the concerned Licensing/Registering Officer (Labour Officer) within a period of seven days from such changes by the Contractor and shall be attested by the concerned Labour Officer.

4. *Substitution of form XIII.*—For Form XIII appended to the said rules, the following shall be substituted, namely:

"FORM-XIII

[See rule -49]

Register of Workmen

Sl. No.(Last 4 digits of Identity Card No.)¹

1. Name & Address of the Establishment:

Telephone No.....

2. Registration/License No.*:

3. Contractor Name :

4. Contractor License No.....

5. Contractor address:.....

6. Serial Number of the worker in the Register of Workers**:

7. Worker /Employee Name : :.....

8. Father/Husband's Name:

9. Date of Birth [DD/MM/YYYY]:/...../.....

10. Sex [M/F]:

11. Local Residential address of the worker:

State:

12. Permanent address of the worker :

State:

13. Name of next Kin of the worker : Relationship.....

14. Date of Employment :/...../.....

(In the Current Job).....

Affix Latest
photograph of
employee to be
attested by the
employer

15. Wage Rate Per Month:
 16. Nature of Job/ Designation :CODE (#):
 17. Intended Time Limit in Present Employment...../...../.....

Signature /Thumb Impression of the Employee

Declaration.—It is declared that the information given in the Register of Workmen is correct as per record and factual position.

Place.....

Date

Signature of Employer/Contractor"

5. Insertion of form-XIII-A.—After Form XIII appended to the said rules, the following shall be inserted, namely:—

“FORM-XIII-A

[See rule -49]

Index of Form-XIII

1. Serial No. of Form XIII (same as last 4 digits of Identity Card No.).....
2. Name of the Workman:.....
3. Father's name of the Workman:.....
4. Date of Employment
5. Date of issue of Identity Card.....
6. Date of termination of employment along with reasons:.....
7. Remarks:.....

Declaration.— It is declared that the information given in above Index are correct as per record and factual position.

Signature of the Employer/Contractor

6. *Addition of form-XXV.*—After Form XXIV appended to the said rules, the following shall be added, namely:—

"FORM-XXV

[See rule -23]

Pass-Book/Identity Card

Name of Establishment:.....

ID Card No.

Name:.....

Date of Birth:.....

Father's/Husband Name:.....

Local Address:.....

Photograph of
worker

Name of Next Kin:.....

Permanent Address:.....

Contractor Name:.....

Signature of worker:.....

Licence No. if any:.....

Address:.....

Nature of Employment:.....

Date of Employment:.....

Wage rate:.....

Valid upto:.....

Issued by	Attested by
Employer/Contractor Signature	Labour Officer/Inspector
Date of Issue:.....	Place:....."

By order,

Sd/-
Secretary.